

REMARKS:

In the previous Office Action, Claims 25-48 were pending. Claims 43-45 were allowed, Claims 30 and 31 were objected to as being dependent upon a rejected base claim but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and Claims 25-29, 32-42, and 46-48 were rejected. In response to that Office Action, Claims 30 and 31 were rewritten in independent form as new Claims 49 and 58, some new dependent claims were added, and all of the rejected claims were cancelled.

In the current office action, Claims 43-45 and the rewritten claims, Claims 49-66, were all rejected under 35 U.S.C. §§ 102 (e) or 103 (a). Claim 66 has been cancelled in this response and Claims 43-45 and 49-65 are currently pending.

Claims 58-60 and 66 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Forrest (U.S. Patent 6,084,875). Since Forrest appears to be prior art under § 102(e), applicants reserve the right to antedate that reference. Even if Forrest is prior art, Applicants submit that the pending claims are allowable for at least the following reasons.

Claim 58 has been amended to recite that the circuit-switch at the terminating central office is dedicated to receive only calls to on-line data services. Applicants submit that this feature is not disclosed in Forrest. In rejecting Claim 66, which recited virtually this same limitation, the Examiner asserted that column 4, lines 31-33 of Forrest disclose this feature. While that portion of Forrest does disclose that certain trunklines may be dedicated to data traffic, it does not disclose a circuit-switch that is dedicated to receive only calls to on-line data services, as recited in this claim. To the contrary, to the extent that the SSP-B (220) shown in Figure 2 is asserted to be a circuit-switch as required by this claim, Forrest clearly

discloses that that switch is connected to trunklines (280) that are not reserved for ISPs and that do carry voice communications. (Column 5, lines 1-5.) Accordingly, Forrest does not disclose a circuit-switch at the terminating central office that is dedicated to receive only calls to on-line data services, as recited in Claim 58, and Claims 58-65 are patentable over Forrest for at least these reasons.

Claims 43-45, 49-57, and 61-65 were all rejected under 35 U.S.C. § 103 (a) as being unpatentable over Forrest (U.S. Patent 6,084,875) in combination with Madoch et al. (U. S. Patent 5,995,605), and in some cases, other references as well. Applicants respectfully submit that Madoch et al. does not qualify as prior art under 35 U.S.C. § 103 (c). Madoch et al. appears be asserted against the present application as § 102(e) prior art. However, the present application and Madoch et al. were, at the time the claimed invention was made, owned by or subject to an obligation of assignment to the same entity, Ameritech Corporation. Accordingly, pursuant to 35 U.S.C. § 103 (c), Madoch et al. cannot be used to preclude patentability of the pending claims. Therefore, Claims 43-45, 49-57, and 61-65 are patentable for this reason alone.

Claims 43 and 49 have been amended to clarify that each of the plurality of point codes recited in these claims, uniquely identifies one of the originating central offices. Because the current rejections of Claims 43, 49, and their respective dependent claims are not applicable pursuant to 35 U.S.C. § 103 (c), the amendments to Claims 43 and 49 have not been made for purposes of patentability.

In view of the above amendments and remarks, Applicants submit that this case is in condition for allowance. If the Examiner feels that a telephone interview would be helpful in resolving any remaining issues, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jason C. White", is written over a horizontal line.

Jason C. White

Registration No. 42,223

Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610